

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

TEXAS OCR TECHNOLOGIES, LLC,	§	
	§	
Plaintiff,	§	
	§	
v.	§	CIVIL ACTION NO. 6:10cv64
	§	
AMAZON.COM, INC. and AMAZON	§	JURY TRIAL DEMANDED
SERVICES LLC,	§	
	§	
Defendants.	§	

PLAINTIFF'S ORIGINAL COMPLAINT

Plaintiff TEXAS OCR TECHNOLOGIES, LLC files this Original Complaint against the above-named Defendants, alleging as follows:

I. THE PARTIES

1. Plaintiff TEXAS OCR TECHNOLOGIES, LLC ("Texas OCR") is a Texas limited liability company with its place of business in Longview, Texas.

2. Upon information and belief, Defendant AMAZON.COM, INC. ("Amazon.com") is a Delaware corporation with its principal place of business in Seattle, Washington. This Defendant may be served with process through its registered agent, Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808.

3. Upon information and belief, Defendant AMAZON SERVICES LLC ("Amazon Services") is a Nevada limited liability company with its principal place of business in Las Vegas, Nevada. This Defendant may be served with process through its registered agent, CSC Services of Nevada, 502 East John Street, Carson City, Nevada 89706.

4. Upon information and belief, Amazon.com and Amazon Services operate, do business and/or sell books and other products across the United States through the

www.amazon.com website. Amazon.com and Amazon Services are collectively referred to herein as the Defendants.

II. JURISDICTION AND VENUE

5. This is an action for infringement of a United States patent arising under 35 U.S.C. §§ 271, 281, and 284-285, among others. This Court has subject matter jurisdiction of this action under Title 28 U.S.C. §1331 and §1338(a).

6. The Court has general and specific personal jurisdiction over each Defendant, and venue is proper pursuant to 28 U.S.C. §§ 1391 and 1400(b). Upon information and belief, Defendants have substantial contacts with the forum as a result of pervasive business activities conducted through their web-site and directed toward the State of Texas and the Tyler Division of this District. Defendants regularly solicit business in Texas and derive substantial revenue from products and/or services sold or provided to individuals residing in Texas and, particularly, the Eastern District of Texas. Defendants conduct extensive business with customers residing in this District through their interactive website, which website provides a method for searching and purchasing books and other products from Defendants. Defendants have committed and continue to commit acts of patent infringement through the features on their web-site, and sale of books and other products, throughout Texas, and, particularly, in this District.

III. PATENT INFRINGEMENT

7. On March 26, 2002, United States Patent No. 6,363,179 (“the ‘179 patent”) was duly and legally issued for a “Methodology for Displaying Search Results Using Character Recognition.” A true and correct copy of the ‘179 patent is attached hereto as Exhibit “A.”

8. Texas OCR is the owner of all right, title, and interest in and to the ‘179 patent and possesses all rights of recovery under it.

9. Defendants have infringed, and continue to infringe, directly, contributorily, and/or through the inducement of others, the claimed inventions of the '179 patent through their interactive online website www.amazon.com. Specifically, Defendants' infringing activities include, but are not necessarily limited to, providing the "Search Inside This Book" feature on the www.amazon.com website.

10. Upon information and belief, Defendants are aware of the patents-in-suit, have knowledge of the infringing nature of their activities, have nevertheless continued their infringing activities, and their infringing activities have been and continue to be willful.

11. Plaintiff has been damaged as a result of Defendants' infringing conduct. Defendants are, thus, liable to Plaintiff in an amount that adequately compensates it for their infringements, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

IV. JURY DEMAND

Plaintiff hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

V. PRAYER FOR RELIEF

Plaintiff requests that the Court find in his favor and against Defendants, and that the Court grant Plaintiff the following relief:

- a. Judgment that one or more claims of United States Patent No. 6,363,179 have been infringed, either literally and/or under the doctrine of equivalents, by one or more Defendants and/or by others to whose infringement Defendants have contributed and/or by others whose infringement has been induced by Defendants;
- b. Judgment that Defendants account for and pay to Plaintiff all damages to and costs incurred by Plaintiff because of Defendants' infringing activities and other conduct complained of herein;
- c. That Defendants' infringements be found to be willful from the time that Defendants became aware of the infringing nature of their respective products and

services, and that the Court award treble damages for the period of such willful infringement pursuant to 35 U.S.C. § 284;

- d. That Plaintiff be granted pre-judgment and post judgment interest on the damages caused by Defendants' infringing activities and other conduct complained of herein;
- e. That the Court declare this an exceptional case and award Plaintiff his reasonable attorney's fees and costs in accordance with 35 U.S.C. § 285; and
- f. That Plaintiff be granted such other and further relief as the Court may deem just and proper under the circumstances.

Dated: February 26, 2010.

Respectfully submitted,

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